

Testimony By Mr. Wendy Noren

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Chairman Ehlers and Members
of the Committee

Introduction and Background

I appreciate the opportunity to address the Committee on identification requirements in US elections. As an election official for the past 28 years, I have seen ID requirements in my jurisdiction move from none when I started in 1978 to now planning the implementation of strict photo identification laws for this November's election. I will say at the outset I am not a fan of either of the extremes on this issue. I consider each case of fraudulent balloting a violation of my own voting rights through the dilution of my vote. I also strongly believe the erection of obstacles to voting under the color of law is a form of election fraud as serious as stuffing the ballot box.

Being one of a very small group of election administrators in this country who has "survived" 7 Presidential elections, I can assure you that the conflicting responsibilities of preventing fraud without creating administrative obstacles to the right to vote is a constant balancing act. I believe the strict photo ID requirements recently enacted in my state will eventually throw at least some of my elections out of balance.

If we are going to protect the fragile process of democracy then each law, regulation, process and procedure must be evaluated in terms of how it maintains that balance. If my only goal was to prevent the fraudulent casting of votes in a polling place we could inject a microchip in each voter - just as I've done for my dog to prove his identity in case of theft. I think most of us would agree that the chilling effect of this kind of government intrusion would cast a pall over our process.

I can also tell you from my long experience in a "swing" county in one of the principal "swing" states that both administrative obstacles to voting and efforts to open the process help and hurt fairly equally across the party lines.

Although I have spent my entire career working to open the process of voting through legislative, procedural and technological changes I have also been a

leading advocate of enacting legislation that prevents and/or detects fraudulent voting. In 1983, I drafted the statutory language, lobbied for and was the first to implement a local option ID requirement in my state. Although I originally took some heat over that, the requirements were broad enough to provide the necessary protections and insure voters did not lose their right to vote. That same legislation targeted restrictions on absentee balloting procedures to prevent the kind of real fraud that was incurring in our state. These requirements were narrowly defined and designed to prevent actual methods of fraud without limiting the rights of voters.

In 1993, I drafted the section of Missouri's post card registration statute that required post card registrants to provide identification before receiving an absentee ballot by mail. As many election officials around the country worried about the implementation of HAVA's ID requirements 2 years ago, I was comfortable counseling them that the HAVA ID requirements were broad enough to meet the needs of voters who did not have ready access to the most common forms of identification.

ISSUES RELATING TO NEW PHOTO ID REQUIREMENT IN MISSOURI

Although Missouri has had its share of fraud over the past twenty-eight years, we have followed the national pattern that the fraud comes from three areas - absentee ballot fraud, voter intimidation and vote buying schemes. The more sensational examples are duplicate registrations across jurisdiction lines. The famous examples of fraudulent registrations submitted in 2001 prior to a St Louis City municipal primary were actually caught by the election board before the election ever occurred. The implementation of a photo ID requirement does not in fact address the areas where we have real fraud.

In short, the instances of people showing up in person at a polling place and either impersonating a legitimate voter or casting a ballot under a fictional name are at best extremely rare and at worst completely anecdotal.

The institution of a photo ID requirement will have little or no impact on my ability to detect or prevent fraud. If it did not provide an obstacle to any voter we would see that it neither helps nor hurts me keep my balance on the election high wire act.

The problem I have with the current crop of "voter ID" legislation is that many groups of citizens do not have quick and free access to photo identification. These groups include students, women, senior citizens, disabled voters, adoptees, persons born overseas - including children of missionaries and military personnel. In addition, we will have a random selection of voters who are temporarily without a photo ID because their purse or wallet was stolen, lost, surrendered to law enforcement for traffic infractions, or destroyed in fires, floods, tornados or hurricanes.

In our increasingly mobile society many people are born, married, divorced and remarried in different states and the paper trail necessary to acquire photo identification becomes not only expensive but time consuming. While my state is offering to provide free nondrivers license and my local fee office is going the extra mile on this issue, the underlying documents required to get the "free" license are often costly and cannot always be quickly acquired.

The problem is compounded when voters have short notice, as they will in jurisdictions where many register at the registration deadline.

I am from a jurisdiction that has an extremely high "turnover" rate. As the home of our state's main university as well as a regional medical and insurance center, we have a constant influx of new residents of all political persuasions. Between Presidential elections, almost 60% of my voters change address. In the last presidential election over 40% of the ballots cast were new registrants from other states and counties. As a college town we are a community that sees transitions each September and thousands of new registration applications come into my office at the registration deadline in October. In 2004, over 10% of the people who voted submitted their application within three days of the registration deadline. Over 600 of these voters moved directly from other states and countless others were born, married or divorced in other jurisdictions around the country. By the time I am able to process the registrations and notify these voters of the ID requirements they will have less than three weeks to acquire the supporting documentation to gain a photo ID..

A review of the requirements for birth, marriage and divorce certificates from the states the members of this committee represents will show that there are waiting periods of at least 10 days to 4 weeks, if you have access to the Internet, and far longer periods in some cases. The most extreme case being California's 2 to 3 year timeframe for marriage licenses from the state agency. The cost for each document is 10 to 20 dollars and some of these timeframes are cumulative - i.e. you can't get your birth certificate without your marriage license to document your name change.

Many voters only record of birth or marriage are filed in churches or village halls of foreign countries, some of which no longer exist. My own mother's marriage documents are an unrecognizable and convoluted series of paperwork from her proxy marriage during World War II when she was serving our country in the Pacific theater as a Captain in the US Army and while my father was also an officer serving in Europe. She outranked him by the way. Most motor vehicle personnel don't understand these kind of obscure documents and it has been a battle the two times she has had to get a driver's license.

If you look at the requirements for obtaining a birth certificate in Michigan, home to this committee's chair, some of his constituents who become my constituents will be caught in the circular bureaucratic nightmare of needing a photo id to get a photo id. To protect against identity theft more and more states require a photo id to get the underlying document required to get a photo id.

Many of our senior citizens also do not even have the documentation required because these documents do not exist. As keeper of historic school records in my county, I have many times certified to the Social Security administration the only record of age that exists for some seniors - an entry by a first grade teacher of a student's date of birth.

In the last year, almost 3,000 Missourians have been unable to receive birth certificates because the Vital Statistics division has been unable to locate a record of birth. In many cases the birth was never registered and in others the information an individual has does not match their records. I'm sure that Missouri is no different from other states in this regard. Although the longest time anyone has waited for an existing birth certificate is 90 days - voters whose births were never registered can wait up to a year to pursue options to register a delayed birth record.

For many women, the task becomes even more convoluted as they navigate their way through various state and local vital statistics bureaus for birth certificates, local registrars for marriage records and courts for divorce decrees. Some areas charge over a dollar per page for an entire decree.

For many older citizens, poorly educated or people with learning disabilities the mere task of locating how to get these documents is overwhelming. In some cases, it took an eager staff member several hours to search the Internet, call the appropriate agencies and get the actual process to receive a supporting document defined. Many will give up in frustration and we will lose their voice in democracy.

As an election administrator in a college town, I have to also take into account the interests of the thousands of students who make this their home. They are the economic and cultural lifeblood of my community and I take seriously their right to participate in the election process at all levels. The vast majority of these students utilize student ID's as photo identification but the current versions of photo ID laws prohibit their use because they lack an expiration date. My university has 8,000 students whose families reside in other states and they generally need to keep the drivers license for that state for insurance purposes.

For almost 30 years, the laws I enforce and procedures I use have been the first impression of democracy for thousands of young people. As we are all aware, someone's first interaction with voting is often the guidepost to whether they will be a lifelong voter or a dropout. I know the statutes I had to enforce in the 1980's that denied students the right to vote because they had moved 2 blocks had a long term detrimental impact. Since passage of NVRA, I have been able to focus my efforts on making the first time our young people vote an efficient and meaningful event. That is how we create lifelong voters. Turning them away because we don't accept student ID's is the kind of event that will bring the exact opposite effect.

Some states are implementing phase in periods where voters without ID's can cast a provisional ballot. This November, I will need to spend the post election period trying to match the 50 year old signature to the present day signature of senior citizen. I do not cherish the prospect of control of the US Senate coming down to my ability to decide whether some of these signatures match.

As I stated originally, the fraud this is designed to protect, if it exists, is at best miniscule. The number of voters denied participation in my community will far exceed any possible fraudulent schemes. The incredible irony of Missouri's

law is that because it covers only those who show up at a polling polling it will push many more voters to vote absentee - the method most susceptible to fraudulent voting, vote buying schemes and voter intimidation. Rather than protecting against fraud, it will expand the pool of targets for fraudulent balloting.